

Notice of Administrative Complaint and Proposed Assessment of Administrative Civil Penalty for Safe Drinking Water Act Violations and Opportunity to Comment

Publish Date: May 5, 2008 Public Comment Closes: June 4, 2008

In the Matter of Mountain States Petroleum Company, Docket No. UIC-09-2008-0003

EPA is authorized under section 1423(c) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300h-2(c), to issue an order that assesses a civil penalty of not more than \$6,500 for each day of violation for any past or current violation, up to a maximum administrative penalty of \$157,500, or requiring compliance with the Act's regulations or other requirement, or both, after providing public notice of, and reasonable opportunity to comment on, any proposed order in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," 40 CFR Part 22 ("Consolidated Rules"), published at 64 FR 40138, 40177 (July 23, 1999). EPA is hereby providing public notice of, and opportunity to comment on, this Administrative Complaint and Proposed Assessment of Administrative Civil Penalty, a copy of which is included with this notice: In the Matter of: Mountain States Petroleum Company, Docket No. UIC-09-2008-0003 Complainant: Alexis Strauss, Director, Water Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105 Respondent: Mountain States Petroleum Company, 3001 Knox Street, Suite 403, Dallas, Texas 75205. Description of Business or Activity Conducted by the Respondent: Oil and gas production. Alleged Violations: (1) Failure to plug and abandon a Class II oil and gas injection well after two years of ceasing (abandoning) operation of the well, or demonstrate to EPA's satisfaction that, if the abandonment was temporary, the Class II well would not endanger underground sources of drinking water during the period of temporary abandonment, in violation of 40 C.F.R. § 144.28(c)(2)(iv); and (2) failing to notify EPA of Mountain States Petroleum Company's transfer of ownership or operational control of a Class II well to another entity at least thirty days in advance of the transfer of ownership and/or operational control, in violation of 40 C.F.R. § 144.28(l). Underground injection of fluids associated with oil and gas development is regulated by the Underground Injection Control Regulations of 40 C.F.R. Parts 124, 144, 145, 146, 147 and 148, which are promulgated pursuant to Part C of the Safe Drinking Water Act, 42 U.S.C. §§ 300h - 300(h)-8. Proposed Penalty: up to \$157,500 Date Filed with Regional Hearing Clerk: April 23, 2008

For More Information

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Persons wishing to comment on this case, including comments on the amount or basis of the proposed penalty, are invited to submit a statement to the EPA Regional Administrator, attention of the Regional Hearing Clerk (address below), within 30 days of the date of this public notice. All comments received within this 30-day period will be considered in the issuance of the final order. Please provide the following information along with your comments and submit them in accordance with Part 22: Your full name, mailing address, telephone number, email address, the Docket Number (UIC-09-2008-0003), and a concise statement of the basis for and relevant facts supporting any comment for the case to which you are commenting. Persons wishing to receive a copy of the Consolidated Rules, or review the documents filed in this proceeding, should contact the Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 972-3871, or email r9hearingclerk@epa.gov. Documents filed as part of the public record in the proceeding are available for inspection during business hours at the office of the Regional Hearing Clerk. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours.

[Read the Administrative Complaint and Proposed Assessment of Administrative Civil Penalty \(PDF, 14pp, 621K\)](#)